IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 586 (SS) of 2007

Subhash,
S/o Sri Chillar,
R/o Quarter No. 2, Matkota Colony,
Tehsil-Kichha,
District- Udham Singh Nagar. **…….Petitioner.**

Versus

1. G.B. Pant University, Pant Nagar, District-Udham Singh Nagar through its Registrar.
2. Vice Chancellor, G.B. Pant University, Pant Nagar, District-Udham Singh Nagar
3. Chief General Managar (Farm), G.B. Pant University, Pant Nagar, District- Udham Singh Nagar

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Kishore Kumar, learned counsel for the petitioner and Sri Rajendra Dobhal, learned counsel for respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. *Issue a writ order or direction in the nature of Mandamus commanding the respondents/ University to get conducted the medical examination of petitioner from medical officer for determination of exact age of the petitioner and retire the petitioner from the service on the basis of age of petitioner mentioned in the medical report.*
II. *Pass any other and further order as this Hon'ble Court may deem fir and proper in the circumstance of the case.*

III. *Award the cost of writ petition to the petitioner.*

The stand of the petitioner is that the date of birth, as recorded in the service book of the petitioner, is 01.06.1947 and accordingly, he is going to be retired o 31.05.2007.

The submission of the learned counsel for the petitioner is that according to Parivar Register, the date of birth of petitioner is 02.07.1952, and as such, he should be retired on 31.07.2012. Petitioner is an illiterate person, having no qualification.

Learned counsel for the respondents has submitted that it is well settled law that the date of birth recorded in the service book shall be deemed to be final, in case the employee has not passed high school, otherwise also the petitioner cannot make representation for change of his date of birth at the fag end of his service tenure. Further, petitioner has already moved representation and the same has already been decided by the respondents.

Since from perusal of record, it reveals that the representation decided by the respondents is without giving any reason. Consequently, I direct the respondents to take decision on the representation moved by the petitioner on 10.11.2006, which is annexed as Annexure no. 4 to the writ petition within a period of three weeks from the date of production of certified copy of this order.

With this direction, the writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 24, 2007
SKSHARMA